

# EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

State of North Dakota,	)	
	)	
Plaintiff,	)	Case No. 1:21-cv-00148-DMT-CRH
	)	
vs.	)	
	)	
United States Department of Interior, <i>et. al</i> ,	)	
	)	
Defendants.	)	
_____	)	
	)	
Center for Biological Diversity, Dakota Resource	)	
Council, Sierra Club, and Western Organization of	)	
Resource Councils,	)	
	)	
Proposed Intervenors.	)	

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**DECLARATION OF THOMAS DELEHANTY IN SUPPORT OF  
CONSERVATION GROUPS' MOTION TO INTERVENE**

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I, Thomas Delehanty, declare as follows:

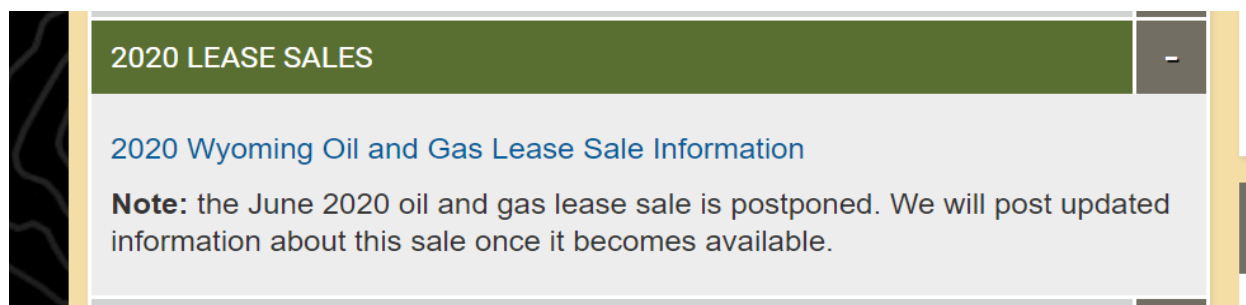
1. I am an Associate Attorney with Earthjustice, and I represent Sierra Club in the above-captioned litigation. The facts and opinions set forth in this declaration are based on my personal knowledge.

2. Plaintiff State of North Dakota in the above-captioned matter asserts that, under the federal Mineral Leasing Act of 1920, the U.S. Bureau of Land Management (BLM) must—and does—hold onshore oil and gas lease sales every fiscal quarter.

3. However, BLM regularly exercises its discretion not to hold lease sales on a quarterly schedule. As shown in Attachment 1, BLM has canceled or postponed at least 19

statewide lease sales since 2015. *See* Attachment 1.<sup>1</sup> These cancellations or postponements occurred in each of the six Western states with the most oil and gas production: Colorado, Montana, Nevada, New Mexico, Utah, and Wyoming. *Id.*

4. BLM frequently provides little or no explanation for decisions to cancel or postpone lease sales. For example, as shown in the image below,<sup>2</sup> the BLM Wyoming state office provided a short notation on its web page when it postponed the 2020 second-quarter sale.



5. As shown in the image below,<sup>3</sup> BLM has previously canceled a lease sale because it had not yet completed necessary reviews of nominated parcels, including tribal consultation and review under the National Environmental Policy Act.

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<sup>1</sup> Attachment 1 includes hyperlinks to true and correct prior versions of BLM webpages that have been archived through The Internet Archive (archive.org).

<sup>2</sup> On May 14, 2021, I took a true and correct screen capture of the BLM Wyoming state office's oil and gas leasing page from a version that was archived on June 21, 2020, at <https://web.archive.org/web/20200621053310/https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/regional-lease-sales/wyoming>.

<sup>3</sup> On May 14, 2021, I took a true and correct screen capture of the BLM New Mexico state office's June 6, 2016 press release web page from a version that was archived on September 30, 2016, at [https://web.archive.org/web/20160930165550/http://www.blm.gov/nm/st/en/info/news\\_releases0/2016/june/no\\_parcel\\_available.html](https://web.archive.org/web/20160930165550/http://www.blm.gov/nm/st/en/info/news_releases0/2016/june/no_parcel_available.html).



Release Date: 06/06/16

Contacts: Lisa Morrison (505) 954-2023

### No Parcels Available for the October 19, 2016 Oil and Gas Lease Sale

Santa Fe, NM – The BLM leases parcels for oil and gas development up to four times a year, if lands are available for leasing, based on recommendations and input from the public, industry, tribes and other constituent groups. Before determining which parcels will be included in a lease sale, the BLM carefully reviews each parcel nominated for that sale. State, local and tribal consultation and the public input process are important steps in the leasing process.

There were 3 parcels totaling 2,122 acres in the San Juan Basin near Farmington, New Mexico that had been under evaluation to be offered at the October 19, 2016, sale. However, the NEPA and tribal consultation for those parcels has not concluded. As a result, those 3 parcels are not yet available for leasing. The BLM intends to complete the NEPA and tribal consultation process, and will then determine whether those parcels are available to be offered at a subsequent sale.

Information related to BLM oil and gas lease sales, including public involvement opportunities, can be found at: <http://www.blm.gov/nm/oilandgas>.

The BLM manages more than 245 million acres of public land, the most of any Federal agency. This land, known as the National System of Public Lands, is primarily located in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's mission is to sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations. In Fiscal Year 2015, the BLM generated \$4.1 billion in receipts from activities occurring on public lands.

--BLM--

Last updated: 06-06-2016

#### 6. BLM frequently offers lands from canceled or postponed sales in later sales.

According to lease sale tracking conducted by The Wilderness Society, three illustrative examples are:

- The postponed first-quarter 2019 lease sale in Nevada, which included about 900,000 acres. Roughly 435,000 of those acres were offered for lease later in the second-, third-, and fourth-quarter sales the same year.
- The postponed fourth-quarter 2019 lease sale in Colorado, which included about 4,000 acres. Roughly 3,000 of those acres were offered between the third- and fourth-quarter 2020 sales.
- The postponed second-quarter 2020 lease sale in Wyoming, which included about 170,000 acres. Roughly 130,000 of those acres were offered in the fourth-quarter 2020 sale.

#### 7. Canceling or postponing multiple sales across different states is also preceded.

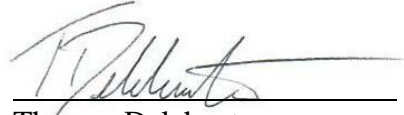
Under then-President Trump, BLM canceled or postponed the second-quarter 2020 lease sales in all six major Western oil and gas-producing states. *See Attachment 1; Nichola Groom, Trump*

*Administration Shelves More Oil and Gas Lease Sales*, Reuters, June 1, 2020, <https://www.reuters.com/article/us-usa-drilling-lease-sale-idUSKBN2383W2>.

8. In sum, BLM routinely cancels or postpones lease sales in its administration of the onshore oil and gas leasing program and has done so for many years under multiple presidential administrations.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on September 16, 2021 in Boulder, Colorado.

  
Thomas Delehanty

## ATTACHMENT 1

### Examples of BLM Lease Sale Cancellations/Postponements, 2015 to 2020.

Year	Quarter	State	Archived Link
2015	Q1	New Mexico	<a href="#">[Link]</a>
2015	Q2	New Mexico	<a href="#">[Link]</a>
2015	Q3	Colorado	<a href="#">[Link]</a>
2015	Q3	Utah	<a href="#">[Link]</a> *
2015	Q4	Eastern States	<a href="#">[Link]</a>
2015	Q4	Utah	<a href="#">[Link]</a> *
2016	Q1	Colorado	<a href="#">[Link]</a>
2016	Q3	Colorado	<a href="#">[Link]</a>
2016	Q3	New Mexico	<a href="#">[Link]</a>
2019	Q1	Nevada	<a href="#">[Link]</a> **
2019	Q4	Colorado	<a href="#">[Link]</a> **
2020	Q2	Colorado	<a href="#">[Link]</a> **
2020	Q2	Montana	<a href="#">[Link]</a> **
2020	Q2	New Mexico	<a href="#">[Link]</a>
2020	Q2	Nevada	<a href="#">[Link]</a> **
2020	Q2	Utah	<a href="#">[Link]</a> **
2020	Q2	Wyoming	<a href="#">[Link]</a> **
2020	Q4	Montana	<a href="#">[Link]</a>
2020	Q4	Nevada	<a href="#">[Link]</a>

\* See box titled "Past Lease Sale Information" showing no sales for Q3 and Q4 2015.

\*\* Click the gray bar corresponding to the year of the relevant lease sale and (if needed) scroll or click to view the specific sale.